

OFFICIAL COPY

Fresno, California

October 20, 1998

The Council of the City of Fresno met in regular session at the hour of 9:05 a.m. in the Council Chamber, City Hall, on the day above written.

Present:	Garry Bredefeld	Councilmember
	Mike Briggs	Vice President (arrived later)
	Henry Perca	Councilmember
	Sal Quintero	Councilmember
	Dan Ronquillo	Councilmember
	Ken Steitz	Councilmember (arrived later)
	Chris Mathys	President

Bob Quesada, City Manager's Office
Hilda Cantu Montoy, City Attorney
Rebecca Klisch, City Clerk
Yolanda Salazar, Assistant City Clerk

Dr. James Akins, California Southern Baptist Convention, gave the invocation.

Trevor Thompson led the Pledge of Allegiance to the Flag.

MOMENT OF SILENCE IN HONOR OF THE 15TH ANNIVERSARY OF THE)
SUICIDE BOMBING OF THE MARINE BARRACKS IN BEIRUT, LEBANON)
IN WHICH 241 U.S. MARINES WERE KILLED, AND THE INVASION OF)
GRENADA IN WHICH 19 AMERICAN LIVES WERE LOST - COUNCIL-)
MEMBER BREDEFELD)

Moment of silence observed.

RESOLUTION OF COMMENDATION TO ARTHUR DYSON)

Read and presented.

PRESENTATION BY ELIZABETH DIAZ OF THE ROOSEVELT HIGH SCHOOL)
COMMUNITY TOBACCO AND VIOLENCE FREE ZONE - COUNCILMEMBER)
QUINTERO)

(5B) DIRECT CITY ATTORNEY TO CREATE AN ORDINANCE PROHIBITING)
THE USE OF SELF-SERVICE DISPLAYS TO SELL TOBACCO PRODUCTS TO)
MINORS. ORDINANCE TO APPLY TO ALL ESTABLISHMENTS ENGAGED)
IN THE SALE OF TOBACCO PRODUCTS - COUNCILMEMBERS PEREA AND)
BREDEFELD)

Presentation made by Ms. Diaz. Councilmember Perea noted his and Councilmember Bredefeld's above noted and related issue (**Item 5B**) would be laid over one week as discussions with the tobacco industry were ongoing. Discussed again later.

RESOLUTION OF COMMENDATION TO TREVOR B. THOMPSON, BOY)
SCOUTS OF AMERICA EAGLE COURT OF HONOR - PRESIDENT MATHYS)

Read and presented. Councilmember Steitz arrived at 9:20 a.m.

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APPROVE MINUTES OF OCTOBER 6, 1998)

On motion of Councilmember Perea, seconded by President Mathys, duly carried, RESOLVED, the minutes of October 6, 1998, approved, as **amended**, on Page 132-166, Item **5D**, showing Councilmember Steitz voting "No" instead of "Yes".

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APPROVE AGENDA:

COMMENDATION TO (1) FINANCE EMPLOYEES LEON MOLINA AND)
BOB MORALES, AND CITY HALL SECURITY GUARD DAVE GUERRERO)
FOR THEIR EFFORTS TO REVIVE EMPLOYEE RICHARD GRAFF; AND (2))
TO ALL CITY DEPARTMENTS INVOLVED IN MAKING THE FRESNO FAIR)
A SUCCESS - COUNCILMEMBER QUINTERO)

Commendations made.

(**5B**) DIRECT CITY ATTORNEY TO CREATE AN ORDINANCE PROHIBITING)
THE USE OF SELF-SERVICE DISPLAYS TO SELL TOBACCO PRODUCTS TO)
MINORS. ORDINANCE TO APPLY TO ALL ESTABLISHMENTS ENGAGED)
IN THE SALE OF TOBACCO PRODUCTS - COUNCILMEMBERS PEREA AND)
BREDEFELD (CONTINUED FROM EARLIER))

Councilmember Perea directed the issue be laid over one week. So directed. Discussion on the issue continued after the following item:

SCHEDULE IN ONE WEEK: DIRECT STAFF TO PREPARE DOCUMENTATION)
TO DEED THE 35 ACRES OF DONATED RIVER LAND TO THE SAN JOAQUIN)
RIVER PARKWAY AND CONSERVATION TRUST - COUNCILMEMBER PEREA)

Direction made. President Mathys briefly commented on the historic donation of the land and stated he wanted to deliberate his issue, **Item 5D**, scheduled this date, then if it was determined Council wanted to move in Councilmember Perea's direction the issue could then be scheduled adding he felt it was premature to schedule it prior to a full discussion of his item, with Councilmember Perea stating he would make that determination.

(5B) ORDINANCE PROHIBITING THE USE OF SELF-SERVICE DISPLAYS)
TO SELL TOBACCO PRODUCTS TO MINORS - COUNCILMEMBERS)
PEREA AND BREDEFELD - (CONTINUED DISCUSSION))

Councilmember Steitz stated he was in support of the issue, wanted to hear it this date and move it forward, and questioned why it was being delayed. Councilmember Perea stated there had been meetings with association merchants wherein they had initial concerns, advised they were now in support, and added one more meeting was scheduled with the tobacco industry. Brief discussion ensued.

A motion of Councilmember Steitz, seconded by President Mathys, to hear the issue this date as scheduled failed, by the following vote:

Ayes : Steitz, Mathys
Noes : Bredefeld, Perea, Quintero, Ronquillo
Absent : Briggs

The item was laid over one week, and later in the meeting was set for October 27th at 2:45 p.m.

(1A-13) RESOLUTION - APPROVING THE PURCHASE OF A USED GAS)
TURBINE TO BE USED AT THE REGIONAL WASTEWATER TREATMENT)
FACILITY WITHOUT COMPETITIVE BIDDING UNDER THE SOLE SOURCE)
EXEMPTION)

Removed from the agenda.

CONFIRM CANCELLATION OF THE NOVEMBER 3, 1998, CITY COUNCIL)
DUE TO THE ELECTION)

Cancellation confirmed.

On motion of Councilmember Bredefeld, seconded by Councilmember Ronquillo, duly carried, RESOLVED, the **AGENDA** hereby approved, by the following vote:

Ayes : Bredefeld, Perea, Quintero, Ronquillo, Steitz, Mathys
Noes : None
Absent : Briggs

Councilmember Perea briefly left the meeting at 9:33 a.m.

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ADOPT CONSENT CALENDAR:

(1A-5) *RESOLUTION - 2ND AMENDMENT TO SALARY RESOLUTION NO.)
98-161 ESTABLISHING THREE NEW CLASSES FOR INCLUSION IN THE NON-)
SUPERVISORY WHITE COLLAR UNIT AND THE MANAGEMENT NON-CONFI-)
DENTIAL GROUP; AND MODIFYING FLSA STATUS FOR LEGAL ASSISTANT)

Sandra Brock, representing FCEA, requested the issue be laid over one week.

On motion of Councilmember Ronquillo, seconded by President Mathys, duly carried, RESOLVED, the above entitled Item **1A-5** laid over one week, by the following vote:

Ayes : Bredefeld, Quintero, Ronquillo, Steitz, Mathys
Noes : None
Absent : Briggs, Perea

(1A-2) AWARD A ONE-YEAR REQUIREMENTS CONTRACT WITH PRO-)
VISIONS FOR TWO ONE-YEAR EXTENSIONS TO DELTA MICROIMAGING,)
FOR ALL SECTIONS, IN THE ESTIMATED AMOUNT OF \$48,769.82, TO)
FURNISH MICROFILMING SERVICE)

(1A-3) AWARD CONTRACTS FOR CONSTRUCTION OF THE GRANTLAND)
TRUNK SEWER:)

1. GRANT RELIEF FROM THE BIDS SUBMITTED BY MAULDIN-DORFMEIER)
FOR BID SCHEDULED C AND D, DUE TO AN INADVERTENT CLERICAL)
ERROR)

2. AWARD A CONTRACT TO GEORGE DAKOVICH & SON, INC. IN THE)
AMOUNT OF \$8,121.342 FOR THE CONSTRUCTION OF THE GRANTLAND)
TRUNK SEWER, BID SCHEDULES A AND B (INCLUDING ADD ALTERNATE)
B1))

3. AWARD A CONTRACT TO DAVID BUSH, INC., AND FLOYD JOHNSTON)
CONSTRUCTION, INC. (A JOINT VENTURE), IN THE AMOUNT OF)
\$7,294,100.90 FOR CONSTRUCTION OF THE GRANTLAND TRUNK SEWER,)
BID SCHEDULES C AND D)

(1A-4) AWARD A ONE-YEAR REQUIREMENTS CONTRACT WITH PRO-)
VISIONS FOR TWO ONE-YEAR EXTENSIONS TO CALAVERAS MATERIALS,)
INC. IN THE ESTIMATED AMOUNT OF \$635,671.13 FOR PORTLAND)
CEMENT)

(1A-6) RESOLUTION NO. 98-311 - APPROVING THE INTENT TO REIMBURSE)
CERTAIN EXPENDITURES ASSOCIATED WITH THE RENOVATION OF THE)
POLICE HEADQUARTERS FACILITY FROM PROCEEDS OF AN EQUIPMENT)
LEASE)

(1A-7) APPROVE AN AGREEMENT WITH BOOZ-ALLEN AND HAMILTON,)
INC., OF SACRAMENTO, CALIFORNIA, FOR INDEPENDENT VERIFICATION)
AND VALIDATION (IV&V) ASSURANCE SERVICES FOR THE FINANCIAL,)
PURCHASING, BUDGET, COST ACCOUNTING, HUMAN RESOURCES AND)
PAYROLL SYSTEM IMPLEMENTATION PROJECT, AND AUTHORIZE THE)
DIRECTOR OF INFORMATION SERVICES DEPARTMENT TO EXECUTE THE)
AGREEMENT)

(1A-11) *RESOLUTION NO. 98-312 - 34TH AMENDMENT TO AAR 98-159)
APPROPRIATING \$5,000 OF DISTRICT 6's INFRASTRUCTURE CAPITAL TO)
PROVIDE FUNDING FOR THE RIVER PARK LITTLE LEAGUE - COUNCIL-)
MEMBER BREDEFELD)

(1A-12) APPROVE AGREEMENT WITH THE FRESNO CITY EMPLOYEES)
ASSOCIATION NON-SUPERVISORY WHITE COLLAR UNIT 3 (FCEA))
REGARDING PREMIUM PAY FOR STANDBY IN THE DEPARTMENT OF)
PUBLIC UTILITIES)

On motion of Councilmember Steitz, seconded by President Mathys, duly carried, RESOLVED, the above entitled **CONSENT CALENDAR** hereby adopted, by the following vote:

Ayes : Bredefeld, Quintero, Ronquillo, Steitz, Mathys
Noes : None
Absent : Briggs, Perea

(1A-14) PROPOSED APPOINTMENT OF DARIUS ASSEMI TO THE FRESNO)
METROPOLITAN FLOOD CONTROL BOARD - MAYOR PATTERSON)
(FOR INTRODUCTION))

On motion of Councilmember Steitz, seconded by President Mathys, duly carried, RESOLVED, the appointment of Darius Assemi to the Fresno Metropolitan Flood Control Board introduced before the Council and laid over, by the following vote:

Ayes : Bredefeld, Quintero, Ronquillo, Steitz
Noes : None
Absent : Briggs, Perea
Abstain : Mathys

CONSENT CALENDAR - BILL FOR INTRODUCTION:

(1B-1) BILL NO. B-92 - TEXT AMENDMENT NO. TA-97-08 PROPOSING)
CHANGES TO THE FRESNO MUNICIPAL CODE, ARTICLE 2, CHAPTER 12,)
RELATING TO THE REQUIREMENT OF A CONDITIONAL USE PERMIT CUP))
FOR THE SALE OF ALCOHOLIC BEVERAGES)

On motion of Councilmember Steitz, seconded by President Mathys, duly carried, RESOLVED, the above entitled Bill No. B-92 introduced before the Council and laid over, by the following vote:

Ayes : Bredefeld, Quintero, Ronquillo, Steitz, Mathys
Noes : None
Absent : Briggs, Perea

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(9:30 A.M.) HEARING ON PLAN AMENDMENT NO. A-98-20, FILED BY)
DEMCO, INC., PROPERTY LOCATED ON THE WEST SIDE OF N. MILLBROOK)
AVENUE BETWEEN E. HERNDON AND E. ALLUVIAL AVENUES)
1. RESOLUTION NO. 98-313 - AMENDING THE WOODWARD PARK)
COMMUNITY PLAN FROM MEDIUM-HIGH DENSITY RESIDENTIAL)
TO OFFICE USE)

President Mathys announced the time had arrived to consider the issue and opened the hearing. Upon call, no one wished to be heard and President Mathys closed the hearing.

On motion of Councilmember Bredefeld, seconded by Councilmember Ronquillo, duly carried, RESOLVED, the finding of a Negative Declaration filed on September 18, 1998, for Environmental Assessment No. A-98-20 approved; and the above entitled Resolution No. 98-313 hereby adopted amending the Woodward Park Community Plan changing the land use designation from medium-high density residential to office, by the following vote:

Ayes : Bredefeld, Quintero, Ronquillo, Steitz, Mathys
Noes : None
Absent : Briggs, Perea

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(3A) *BILL NO. B-87 - ORDINANCE NO. 98-79 - AMENDING SECTIONS 9-806)
AND 9-810 OF THE FRESNO MUNICIPAL CODE RELATING TO THE APPEAL)
PROVISIONS OF THE PUBLIC NUISANCE ORDINANCE)

Upon question of Councilmember Steitz, City Attorney Montoy stated this was a housekeeping item.

On motion of Councilmember Steitz, seconded by President Mathys, duly carried, RESOLVED, the above entitled Bill N, B-87 adopted as Ordinance No. 98-79, by the following vote:

Ayes : Bredefeld, Quintero, Ronquillo, Steitz, Mathys
Noes : None
Absent : Briggs, Perea

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(3B) *RESOLUTION NO. 98-314 - 21ST AMENDMENT TO AAR 98-159)
ACCEPTING \$50,000 FROM THE FRESNO UNIFIED SCHOOL DISTRICT TO)
COVER COSTS ASSOCIATED WITH POLICE DEPARTMENT SERVICES)
UNDERTAKEN ON SCHOOL CAMPUSES)

A motion and second to adopt the resolution was acted upon after discussion on actual cost for police services and how the \$50,000 partial reimbursement was determined. Councilmember Perea returned to the meeting at 9:40 a.m.

Councilmembers Steitz and Bredefeld expressed concern with the amount being received compared to the actual cost for services, with Councilmember Bredefeld stating he raised the same issue last year. Councilmember Steitz directed staff to schedule the issue of directing the City Manager to negotiate the cost with Fresno Unified School District in one week. Brief discussion ensued.

On motion of Councilmember Ronquillo, seconded by Councilmember Quintero, duly carried, RESOLVED, the above entitled Resolution No. 98-314 hereby adopted, by the following vote:

Ayes	:	Bredefeld, Perea, Quintero, Ronquillo, Steitz, Mathys
Noes	:	None
Absent	:	Briggs

Councilmember Ronquillo briefly left the meeting at 9:42 a.m.

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(5A) DIRECT STAFF TO LOWER THE FLAGS TO HALF-STAFF ON FRIDAY,)
OCTOBER 23, 1998, IN OBSERVANCE OF THE 15TH ANNIVERSARY OF THE)
SUICIDE BOMBING OF THE MARINE BARRACKS IN BEIRUT, LEBANON,)
IN WHICH 241 U.S. MARINES WERE KILLED AND THE INVASION OF)
GRENADA IN WHICH 19 AMERICAN LIVES WERE LOST - COUNCIL-)
MEMBER BREDEFELD)

On motion of Councilmember Bredefeld, seconded by President Mathys, duly carried, RESOLVED, staff directed to lower the flags to half-staff on October 23, 1998, as outlined above, by the following vote:

Ayes	:	Bredefeld, Perea, Quintero, Steitz, Mathys
Noes	:	None
Absent	:	Briggs, Ronquillo

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(5B) DIRECT CITY ATTORNEY TO CREATE AN ORDINANCE PROHIBIT-)
ING THE USE OF SELF-SERVICE DISPLAYS TO SELL TOBACCO PRODUCTS)
TO MINORS; ORDINANCE TO APPLY TO ALL ESTABLISHMENTS ENGAGED)
IN THE SALE OF TOBACCO PRODUCTS - COUNCILMEMBERS PEREA AND)
BREDEFELD)

At the request of Councilmember Perea and with Council consensus, the issue set for October 27, 1998, at 2:45 p.m.

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(5C) DIRECT CITY MANAGER TO DIRECT STAFF TO PREPARE A COST)
ESTIMATE AND FEASIBILITY STUDY FOR LIGHTING AT THE DOG PARK)
AT EL CAPITAN AND ALAMOS AVENUES - PRESIDENT MATHYS)

President Mathys briefly reviewed the issue and the need for lights, and made a motion to move direction. Upon question of Councilmember Ronquillo, President Mathys stated his district budget and donations would be the funding source for the lighting depending on staff's estimate. Councilmember Ronquillo expressed concern that the General Fund not be tapped as he had areas his district where lights were needed. President Mathys directed staff report back in two weeks.

On motion of President Mathys, seconded by Councilmember Steitz, duly carried, RESOLVED, staff directed to prepare a cost estimate and feasibility study for lighting at the dog park at El Capitan and Alamos Avenues and report back in two weeks, by the following vote:

Ayes	:	Bredefeld, Perea, Quintero, Steitz, Mathys
Noes	:	Ronquillo
Absent	:	Briggs

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(5D) DIRECT CITY MANAGER TO THE DIRECT PARKS AND RECREATION)
DEPARTMENT TO FURNISH A COST ESTIMATE TO PREPARE PLANS FOR)
THE ESTABLISHMENT OF 35 ACRES ALONG THE SAN JOAQUIN RIVER AS)
A (CITY) PARK - PRESIDENT MATHYS)

President Mathys reviewed the issue emphasizing the City needed to develop the park and in the future maybe deed the park over to the Conservancy for operation and maintenance; advised of necessary features to be included such as restrooms, access to the river, and a road; emphasized it was important to develop the park as intended by the developers who donated the land which was to keep and enjoy the natural beauty **(2 - 0)**; and expressed his concern with Councilmembers getting involved in other Council districts' business and explained.

Councilmember Steitz stated he supported the donation and plans for a park, and offered an amendment to establish a "park" and not a "City park" stating it was important the City not get into the business of maintaining a park along the river bottom since the Conservancy was set up for that purpose, and added he hoped the intent was to obtain the cost for and to turn the land over to the Conservancy.

President Mathys amended his above entitled item to delete the word "City" before "park", and amended his motion to include that the City provide an easement so the San Joaquin River Conservancy could complete the trail. Councilmember Steitz requested the Trust, the Metropolitan Flood Control District, the City, and the Conservancy all be included for input, with President Mathys concurring.

Councilmember Ronquillo thanked the donors for their contribution and efforts to keep the area in its' natural state, noted the real end cost would be maintenance, and emphasized keeping the area compatible to the natural environment would entail less maintenance.

Councilmember Perea requested neighboring residents, such as the Bullard Community Plan, also be included for input; commented on the background of the property noting there was not much that could be done with the land as it sat below the ordinary low water mark of the San Joaquin River stating to preserve it as a pristine part of the river made solid sense; noted the flooding issue needed to be kept in mind relative to what park features would be included; stated the river affected the entire community and he wanted politics kept out of the issue which was why he was scheduling his item in one week; and concluded stating it was important the City do all it could to move the process along to maintain the integrity of the property and eventually turn the park over to the Trust or the Conservancy.

City Attorney Montoy clarified action this date would be to direct staff to begin working on plans for a park including all the groups and features mentioned.

On motion of President Mathys, seconded by Councilmember Steitz, duly carried, **RESOLVED**, the City Manager directed to direct the Parks and Recreation Department to furnish a cost estimate to prepare plans for the establishment of 35 acres along the San Joaquin River as a park, as amended, to provide an easement to allow the San Joaquin River Conservancy to complete the trail, and along with City staff include neighboring residents, the San Joaquin River Conservancy, the Parkway and Conservation Trust, and the Fresno Metropolitan Flood Control District, by the following vote:

Ayes	:	Bredefeld, Perea, Quintero, Ronquillo, Steitz, Mathys
Noes	:	None
Absent	:	Briggs

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(10:00 A.M.) PRESENTATION OF SERVICE RESOLUTIONS TO EMPLOYEES)
WITH 10, 15, 20, 25, 30, 35 and 40 YEARS OF SERVICE)

Resolutions were presented and a brief reception followed.

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RECESS - 10:06 A.M. - 10:55 A.M. Vice President Briggs arrived.

The Association of Retarded Citizens (ARC) was acknowledged and welcomed.

Mayor Patterson extended an invitation to Council to attend an award ceremony in front of City Hall at 11:00 a.m. honoring the HEAT (Help Eliminate Auto Theft) Team. Councilmember Ronquillo briefly left the meeting at 11:01 a.m.

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(10:45 A.M.) HEARING ON REZONING APPLICATION NO. R-98-21, FILED)
BY AMANDA ELEGANT, PROPERTY LOCATED ON THE NORTH SIDE OF)
W. FIGARDEN DRIVE BETWEEN N. SANTA FE AND N. BRAWLEY AVENUES)
(CONTINUE TO NOVEMBER 10, 1998, AT 11:00 A.M.))

President Mathys announced the time had arrived to consider the issue and opened the hearing. Upon call, no one wished to be heard and President Mathys closed the hearing.

On motion of President Mathys, seconded by Vice President Briggs, duly carried, RESOLVED, the hearing for Rezoning Application No. R-98-21 continued to 11/10/98, at 11:00 a.m., by the following vote:

Ayes	:	Bredefeld, Briggs, Perea, Quintero, Steitz, Mathys
Noes	:	None
Absent	:	Ronquillo

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(10:50 A.M.) *BILL NO. B-88 - AMENDING SECTION 8-1212.1 OF THE)
FRESNO MUNICIPAL CODE RELATING TO MOBILE HOME RENT REVIEW)
AND STABILIZATION - PRESIDENT MATHYS)

President Mathys briefly reviewed the issue and advised, upon the advice of the City Attorney, additional time was needed to re-write Section 8-1212.1 to eliminate all ambiguities and provide an explicit definition of the term “Government Mandated Costs”, and incorporate language relative to an automatic pass-through application process.

Marge Hinkly, MOPS, stated errors were made by prior staff and elaborated, and advised there was no objection to re-writing the section.

On motion of President Mathys, seconded by Councilmember Bredefeld, duly carried, RESOLVED, staff directed to re-write Section 8-1212.1 of the FMC to eliminate all ambiguities and provide an explicit definition of the term “government Mandated Costs”, and incorporate language that would afford the Residents Committee an automatic pass -through application review and comment period consistent with te review period performed by the Neighborhood Services Division so as not to create any additional delays, by the following vote:

Ayes	:	Bredefeld, Briggs, Perea, Quintero, Steitz, Mathys
Noes	:	None
Absent	:	Ronquillo

City Attorney Montoy stated the new ordinance would be brought back in three weeks.

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(5E) RESOLUTION NO. 98-315 - FORMING THE ASSOCIATION FOR THE)
BEAUTIFICATION OF THE FREEWAY 99 CORRIDOR - COUNCILMEMBER)
BREDEFELD)

Briefly reviewed by Councilmember Bredefeld who stated significant strides had been made and requested Council’s support. A motion and second to adopt the resolution was acted upon after brief discussion.

Councilmember Steitz urged it be made clear that CALTRANS be a participating and voting member since 80-90% of the right-of-way on Freeway 99 was owned by them, with Councilmember Bredefeld concurring stating CALTRANS had been heavily represented in past meetings.

Barbara Goodwin, COG, advised the COG board would be considering the concept at the end of the month, and stated one issue COG would need to be aware of was the potential for making a differentiation between being a planning function versus an implementing function and explained. Councilmember Ronquillo returned to the meeting at 11:17 a.m.

Upon question of Councilmember Steitz, Councilmember Bredefeld clarified the association would be an advisory committee without eminent domain authority. Councilmember Ronquillo and President Mathys briefly commented on the importance of cleaning up and beautifying the 99 corridor along with other main arteries stating at issue was image and impression to those who pass through Fresno.

On motion of Councilmember Bredefeld, seconded by Councilmember Perea, duly carried, RESOLVED, the above entitled Resolution No. 98-315 hereby adopted, by the following vote:

Ayes	:	Bredefeld, Briggs, Perea, Quintero, Ronquillo, Steitz, Mathys
Noes	:	None
Absent	:	None

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CEREMONY FOR H.E.A.T. TEAM AWARD - COUNCILMEMBER RONQUILLO)

Councilmember Ronquillo advised he had just attended the ceremony, expressed his concern and stated he was very disappointed Council, and at the very least, the Council President, was not included to participate in the ceremony and program stressing the award was a fantastic honor and Council did appropriate funds towards that effort.

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(5F) DISCUSS CRIME STOPPERS REQUEST TO WAIVE FEES FOR USE) OF THE CONVENTION CENTER EXHIBIT HALL FOR ITS ANNUAL "JOIN THE) FORCE" FUNDRAISER ON JUNE 12, 1999 - COUNCILMEMBER PEREA)

A motion and second to approve waiver of the fees was acted upon after brief discussion on funding source to cover the fees and authorizing a waiver up to \$4,300.

Councilmember Bredefeld noted the City Manager's absence from meetings stating he needed to be present pursuant to the Charter and also to respond to Council, and requested President Mathys relay the message to the City Manager as the Council President. (3 - 0) Upon request of President Mathys, City Attorney Montoy stated she would submit a memo to Council on previously conducted research on the issue. Councilmember Steitz stated the issue was not scheduled for discussion this date adding if Council wanted to act on the matter it should be scheduled on the agenda.

Brief discussion ensued whereupon Councilmember Steitz directed staff schedule in one week under City Council: Report on Charter provision relative to the City Manager's presence at Council meetings..

On motion of Councilmember Perea, seconded by Councilmember Ronquillo, duly carried, RESOLVED, a waiver of fees up to \$4,300 for use of the Convention Center by Crime Stoppers for its annual "Join the Force" fundraiser on 6/12/99, hereby approved, and staff directed to return with an appropriation resolution in one week, by the following vote:

Ayes	:	Bredefeld, Briggs, Perea, Quintero, Ronquillo, Steitz, Mathys
Noes	:	None
Absent	:	None

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(11:30 A.M.) HEARING ON REZONING APPLICATION NO. R-98-25, FILED BY)
GARY BROWNS, PROPERTY LOCATED ON THE NORTHWEST CORNER OF)
N. FIRST STREET AND E. ALLUVIAL AVENUE)
1. BILL NO. B-93 - ORDINANCE NO. 98-80 - AMENDING THE OFFICIAL ZONE)
MAP TO CHANGE A CONDITION OF ZONING TO ALLOW FOR AN INCREASE)
FROM 60,000 TO 65,000 SQUARE FEET OF DEVELOPMENT)

President Mathys announced the time had arrived to consider the issue, opened the hearing, and clarified the developer would provide underground parking as a trade-off for the increase in size.

Upon call, no one else wished to be heard and President Mathys closed the hearing.

On motion of Councilmember Bredefeld, seconded by Councilmember Perea, duly carried, RESOLVED, the finding of a Negative Declaration for Environmental Assessment No. R-98-25, S-98-236 hereby approved; and the above entitled Bill No. B-93 approving Rezoning Application No. R-98-25 changing a condition of zoning from a maximum of 60,000 to 65,000 square feet of development adopted as Ordinance No. 98-80, by the following vote:

Ayes	:	Bredefeld, Briggs, Perea, Quintero, Ronquillo, Steitz, Mathys
Noes	:	None
Absent	:	None

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LUNCH RECESS - 11:36 A.M. - 2:08 P.M. Vice President Briggs and Councilmember Ronquillo were absent and returned for the evening session.

(1A-8) APPROVE A THREE-YEAR LEASE TO PURCHASE NETWORK)
SWITCHING EQUIPMENT AND CABLE, DESKTOP COMPUTERS, CD DATA)
STORAGE TOWERS, AND OTHER RELATED EQUIPMENT)

Upon question of Councilmember Steitz, Director of Information Services Cluff clarified funds were already budgeted for the purchase.

On motion of Councilmember Steitz, seconded by President Mathys, duly carried, RESOLVED, a three (3) year lease for the purchase of computers and related equipment hereby approved, by the following vote:

Ayes	:	Bredefeld, Perea, Quintero, Steitz, Mathys
Noes	:	None
Absent	:	Briggs, Ronquillo

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(1A-9) APPROVE A LAND LEASE AND AGREEMENT WITH BEAL)
PROPERTIES, INC.)

City Manager Reid and Mr. Beal, the proposed tenant, responded to questions of Councilmember Bredefeld relative to reason for the contamination provision in the lease.

On motion of Councilmember Steitz, seconded by Councilmember Bredefeld, duly carried, RESOLVED, the Land Lease and Agreement with Beal Properties Inc., for development and operation of a Johnny Quik Food Store on vacant airport property at the southwest corner of Clovis Avenue and Airways Boulevard hereby approved; and the Airports Operations Manager authorized to execute the subject Lease on behalf of the City, by the following vote:

Ayes	:	Bredefeld, Perea, Quintero, Steitz, Mathys
Noes	:	None
Absent	:	Briggs, Ronquillo

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(1A-10) APPROVE SUBMISSION OF THE LOCAL TRANSPORTATION FUND)
(LTF) AND STATE TRANSIT ASSISTANCE (STA) CLAIM FOR FISCAL YEAR)
1999)

Upon question of Councilmember Bredefeld, Transit General Manager Rudd stated the City’s annual entitlement was an anticipated revenue.

On motion of Councilmember Bredefeld, seconded by Councilmember Steitz, duly carried, RESOLVED, submission of the annual Transportation Funding Claim for Fresno’s LTF and STA entitlement in the amount of \$10,753,936 (of which \$10,312,647 will be available for Fresno Area Express transit operations) hereby approved; and the Transit General Manager authorized to execute all claim documents on behalf of the City, by the following vote:

Ayes : Bredefeld, Perea, Quintero, Steitz, Mathys
Noes : None
Absent : Briggs, Ronquillo

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(1A-1) RESOLUTION NO. 98-316 - APPROVING THE FINAL MAP OF TRACT)
NO. 4859, PHASE IV OF VESTING TENTATIVE TRACT NO. 4741/UGM 574, A)
93-LOT SINGLE-FAMILY RESIDENTIAL SUBDIVISION ON 18.01 ACRES)
LOCATED ON THE NORTH SIDE OF E. SHEPHERD BETWEEN N.)
SOMMERVILLE DRIVE, FORMERLY KNOWN AS N. CHESTNUT AVENUE,)
AND N. WILLOW AVENUE, AND ACCEPTING THE DEDICATED PUBLIC)
USES THEREIN)

City Manager Reid and Councilmember Bredefeld responded to a question of President Mathys relative to sidewalks for the subdivision.

On motion of Councilmember Bredefeld, seconded by Councilmember Steitz, duly carried, RESOLVED, the above entitled Resolution No. 98-316 hereby adopted; the Public Works Director authorized to execute the Subdivision Agreement and the covenant for Landscape Maintenance, and the Development Director authorized to execute the covenants for the Right-To-Farm and to defer the payment of Sewer Connection Charges, Water Connection Charges, UGM Fees and certain Development Fees, by the following vote:

Ayes : Bredefeld, Perea, Quintero, Steitz, Mathys
Noes : None
Absent : Briggs, Ronquillo

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(2:00 P.M.) CLOSED SESSION:

1. CONFERENCE WITH LABOR NEGOTIATOR - GOVERNMENT CODE)
SECTION 54957.6 - CITY NEGOTIATORS: JEFFREY N. REID, JORGE)
AGUINIGA, ANDREW T. SOUZA - EMPLOYEE ORGANIZATION(S): CFPEA;)
AND IBEW)

2. PUBLIC EMPLOYEE PERFORMANCE EVALUATION - GOVERNMENT)
CODE SECTION 54957 - TITLE: CITY ATTORNEY)

3. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION -)
GOVERNMENT CODE SECTION 54956.9, SUBDIVISION (a) - CASE NAME:)
MYRNA LORAN V. CITY OF FRESNO, ET AL.

The Council met in closed session in Room 2125 at the hour of 2:15 p.m. to consider the above issues, recessed, and reconvened in regular open session at 5:04 p.m.

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(5:00 P.M.) CONTINUED HEARING ON TEXT AMENDMENT NO. TA-97-09)
 PROPOSING CHANGES TO THE FRESNO MUNICIPAL CODE, ARTICLE 2,)
 CHAPTER 12, RELATING TO ADVERTISED STRUCTURES (BILLBOARDS))
 1. *BILL NO. B-90 - *ALTERNATIVE 1* AS PROPOSED BY THE ADVERTISING)
 INDUSTRY)
 2. *BILL NO. B-91 - *ALTERNATIVE 2* AS PROPOSED BY STAFF)

President Mathys announced the time had arrived to consider the issue and opened the hearing.

Planner Beach noted maps were distributed showing the difference between the current ordinance, in terms of area, and the industry proposal, and another map demonstrating a current section of a roadway (Blackstone) and impacts of what the new ordinance would allow.

Speaking to the issue were: Selma Layne, 414 E. Loyola, who requested the current ordinance be retained; Robert Glassman, owner Iceland/iceoplex, who requested an amendment to allow property owners to terminate a sign lease to allow for development; J. Richard Arndt, Woodward Park Homeowners Association, retain current ordinance; Mark Keppler, Craig School of Business, Chair of Rt. 99 Beautification Committee, opposed to Alternative 1; Doris Halemeier, 1032 S. Armstrong, Sunnyside Property Owners Association, retain current ordinance/eliminate all billboards; Carla Rodriguez, 830 N. Leonard, who requested Council look at the quality of life and do what's right; Carolyn Markus, 1015 E. Niles, opposed to billboards; Sue Williams, Sunnyside Property Owners Association, 5437 E. Montecito, opposed to Alternative 1; Sal Blanco, 6729 N. Palm, on behalf of, and legal counsel to, Lindsay Outdoor Advertising Systems, support for Alternative 1; George Ollikkala, 3604 E. Redlands, eliminate all billboards; and Rick Forestiere, 5021 W. Shaw, support for staff's recommendation.

Continuing were: Anna Herrera, President, 1677 E. Lexington, Woodward Park Homeowners Association, opposed to Alternative 1; Ruth Katsura, 5454 E. Kings Canyon, retain current ordinance; Mark Scozzari, Advertising Industry, support for Alternative 1; Teenya Litle, 3238 W. McKinley, support for Alternative 1; Joan Weeks, 903 E. Frederick, opposed to Alternative 1; Lisa Nilmeier, 706 W. Herndon, support for Alternative 1; Jose Ruano, 4545 N. West, Fresno Beautification Coalition, (**4 - 0**) retain current ordinance; George Finley, 252 E. Hawes, Southwest Fresno Committee; opposed to Alternative 1; Leo McCarthy, 6311 E. Lane, opposed to Alternative 1; Todd Hansen, General Manager, Martin Outdoor Advertising, support for Alternative 1; Michael Hamburger, Hamburger Construction, 1849 N. Helm, who commented on what the advertising industry does for small businesses and requested a compromise; Sally Tannenbaum, Tree Fresno, 8472 N. Ridgeview, retain current ordinance; Mark Russell, 2187 W. Alluvial, President, Lindsay Outdoor Advertising, support for Alternative 1; Pat Devaurs, 45122 Auberry Rd., Auberry, concerned businessman and Marketing Manager for Sierra Summit Sky Area, support for advertising industry; Janelle Dunn, 744 W. Lamona, support for Alternative 1; and Joni Johnson, Fresno Neighborhood Alliance, opposed to Alternative 1.

Upon call, no one else wished to be heard and President Mathys closed the public testimony portion of the hearing.

Councilmember Ronquillo commented on the issue and stated his support for staff's recommendation. Councilmember Steitz presented questions on the current ordinance relative to cap on number of billboards, size, proximity to freeways, annexations, and if there was opposition by the Chamber and Business Council to Alternative 1, with Mr. Beach and an audience member responding, and made a motion to adopt Alternative 1, as amended, which was acted upon after brief discussion.

Mr. Beach and Tom Krazan responded to questions of Vice President Briggs on the number of billboards which would be allowed under both proposals, and Mr. Krazan stated his support for retaining the current ordinance. Vice President Briggs presented additional questions relative to replacement of billboards once removed, control over content, proximity to freeways, cap, timeline for replacement, and moving to other zones (upzoning), and concluded stating there was much twisting of the facts to make a point and stated his support for the industry proposal adding it was more limiting than the existing ordinance.

A motion of Councilmember Steitz, seconded by Vice President Briggs, to adopt Alternative 1 proposed by the advertising industry, **as amended**, changing the linear spacing from 750' linear to 750' radially, eliminating the word "linear" on Page 18; removing all wording after the word "structure" in Section E; eliminate the C-5 zone on Page 6, Section 38; direct staff to return with amendments to the Master Fee Schedule establishing a \$2.00 per square foot fee for landscaping and a billboard site plan review fee, and changing the number of maximum billboards allowable from 525 to 500 failed, by the following vote:

Ayes	:	Briggs, Quintero, Steitz
Noes	:	Bredefeld, Perea, Ronquillo, Mathys
Absent	:	None

(5 - 0) Councilmember Bredefeld stated it was very clear by looking at the map there would be more billboards with the industry proposal, read a letter from Scenic America relative to the right of communities to control billboards, made a motion to adopt staff's recommendation, which was acted upon after brief discussion, and concluded stating Fresno could be as attractive as other cities and should be very restrictive and set higher standards. Councilmember Steitz offered a substitute motion.

A substitute motion of Councilmember Steitz, seconded by Councilmember Bredefeld, directing the City Attorney to draft and return with an ordinance banning all billboards failed, by the following vote:

Ayes	:	Bredefeld, Steitz
Noes	:	Briggs, Perea, Quintero, Ronquillo, Mathys
Absent	:	None

Councilmember Steitz briefly left the meeting at 6:34 p.m.

A motion of Councilmember Bredefeld, seconded by Councilmember Ronquillo, to adopt Alternative 2 as proposed by staff failed, by the following vote:

Ayes	:	Bredefeld, Perea, Ronquillo
Noes	:	Briggs, Quintero, Mathys
Absent	:	Steitz

Councilmember Perea made a motion to table the issue, with no second received.

A motion of Vice President Briggs, seconded by Councilmember Quintero, to adopt Alternative 1 as proposed by the advertising industry failed, by the following vote:

Ayes	:	Briggs, Quintero
Noes	:	Bredefeld, Perea, Ronquillo, Mathys
Absent	:	Steitz

Councilmember Perea made a motion, seconded by Councilmember Briggs, to table the issue for 30 days. Brief discussion ensued with Vice President Briggs stating there had been a lot of misinformation and misdirection stating maybe additional time was needed to further review the issue. Councilmember Ronquillo expressed his concern and stated the issue needed to be dealt with now. Councilmember Steitz returned to the meeting at 6:36 p.m. Councilmember Ronquillo made a substitute motion to adopt Alternative 2, whereupon it was determined that was not permissible as someone from the prevailing side of the prior vote needed to make the motion, whereupon Councilmember Ronquillo made a motion to reconsider Alternative 1.

A motion of Councilmember Ronquillo, seconded by Vice President Briggs, to reconsider the motion to adopt Alternative 1 as proposed by the advertising industry failed, by the following vote:

Ayes	:	Briggs, Quintero, Steitz
Noes	:	Bredefeld, Perea, Ronquillo, Mathys
Absent	:	None

A motion of President Mathys, seconded by Councilmember Perea, to reconsider the motion to adopt Alternative 2 as proposed by staff failed, by the following vote:

Ayes	:	Bredefeld, Perea, Ronquillo
Noes	:	Briggs, Quintero, Steitz, Mathys
Absent	:	None

On motion of Councilmember Perea, seconded by Councilmember Steitz, duly carried, RESOLVED, the issue hereby tabled for 30 days, by the following vote:

Ayes	:	Briggs, Perea, Quintero, Steitz, Mathys
Noes	:	Bredefeld, Ronquillo
Absent	:	None

A motion of Councilmember Bredefeld, seconded by Councilmember Perea, to continue discussion for the purpose of informing those in attendance the reason issue was being tabled failed, by the following vote:

Ayes	:	Bredefeld, Perea
Noes	:	Briggs, Quintero, Ronquillo, Steitz, Mathys
Absent	:	None

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(5:15 P.M.) *RESTORE FUNDING (\$118,000) ELIMINATED IN FISCAL)
YEAR 1998-99 BUDGET PROCESS FOR THE TULARE-HELM TRAFFIC)
SIGNAL; FUNDING SOURCE TO COME FROM OTHER CAPITAL PROJECTS -)
COUNCILMEMBER PEREA)

Councilmember Perea briefly reviewed the background of the funding issue, advised a funding source for installation of a traffic signal had been determined, and made a motion to direct staff to immediately install flashing yellow lights in the interim and to transfer \$59,000 from Council District 5's infrastructure capital towards the project. Councilmember Ronquillo briefly left the meeting at 6:43 p.m. and returned after the recess.

City Manager Reid stated it had not been his understanding both the flashing lights and the traffic signal would be installed in the current fiscal year noting the cost would be an additional \$10,000 (½ City and ½ County), which in a sense would be thrown away once the signal was installed. Public Works Director Salazar responded to questions on timeline to install the signal. Councilmember Perea stated if it took 4-5 months to install the signal, he would pay the City's \$5,000 share for the interim flashing lights.

Karen Beavers, Mother of a child who had been hit by a vehicle, spoke in support of the signal and urged the installation be made top priority and expedited.

On motion of Councilmember Perea, seconded by Councilmember Quintero, duly carried, RESOLVED, staff directed to immediately install flashing yellow lights at Tulare and Helm Avenues in the interim, and transfer \$59,000 from Council District 5's infrastructure capital for the Tulare/Helm traffic signal, by the following vote:

Ayes	:	Bredefeld, Briggs, Perea, Quintero, Steitz, Mathys
Noes	:	None
Absent	:	Ronquillo

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RECESS - 6:50 P.M. - 6:59 P.M. Councilmember Ronquillo returned to the meeting, President Mathys was absent for the remainder of the meeting due to a prior commitment, and Councilmembers Bredefeld and Perea arrived later..

(5:30 P.M.) JOINT METING WITH THE REDEVELOPMENT AGENCY)

APPROVE AGENCY MINUTES OF OCTOBER 6, 1998)

On motion of Councilmember Quintero, seconded by Vice President Briggs, duly carried, RESOLVED, the Agency minutes of October 6, 1998, approved as submitted.

AGENCY CONSENT CALENDAR:

(“A”) CONSIDER APPROVAL OF CONSULTING AGREEMENTS RELATING)
TO FEASIBILITY STUDIES AND PROJECT ADOPTION OF THE PROPOSED)
CENTRAL CITY COMMERCIAL REVITALIZATION PROJECT AREA (CCCPA))
AND THE PROPOSED AIRPORT AREA REVITALIZATION PROJECT AREA)
(AARPA) WITH THE FIRMS OF:)
1. LEW POND CONSULTING SERVICES FOR PROJECT ADOPTION SERVICES)
FOR BOTH THE PROPOSED CCCRPA THE AARPA)

2. WOODCOCK PLANNING AND ENVIRONMENTAL SERVICES TO PREPARE)
AN ENVIRONMENTAL IMPACT REPORT FOR THE CENTAL CITY)
COMMERCIAL REVITALIZATION SURVEY AREA (CCCRSA))
3. WILLDAN ASSOCIATES TO CONDUCT PROPERTY FIELD SURVEYS FOR)
THE CCCRSA AND THE AARSA - (AGENCY ACTION))

Agency Director Fitzpatrick briefly reviewed the staff report as submitted.

On motion of Councilmember Quintero, seconded by Councilmember Steitz, duly carried, RESOLVED, the Agency Executive Director or his designee authorized to execute three consultant agreements, as follows: (1) an agreement with the firm of Low Pond Consulting Services in an amount not to exceed \$30,500 for plan adoption services for the CCCRSA and the AARSA; (2) an agreement with the firm of Woodcock Planning and Environmental Services in an amount not to exceed \$8,770 for the preparation of an Environmental Impact Report for the CCCRSA; and (3) an agreement with the firm of Willdan Associates to perform physical blight surveys for the CCCRSA and the AARSA in an amount not to exceed \$24,500; by the following vote:

Ayes	:	Briggs, Quintero, Steitz, Ronquillo
Noes	:	None
Absent	:	Bredefeld, Mathys, Perea

(“B”) JOINT COUNCIL/AGENCY HEARING TO CONSIDER ACTIONS)
RELATING TO THE APPROVAL AND ADOPTION OF THE PROPOSED 1998)
AMENDMENT TO THE SOUTHWEST FRESNO GENERAL NEIGHBORHOOD)
RENEWAL AREA (GNRA) PROJECT URBAN RENEWAL PLAN AND THE)
PROPOSED 1998 AMENDMENT TO THE FRUIT/CHURCH PROJECT REDE-)
VELOPMENT PLAN, AND THE RESULTING MERGER OF THE TWO PROJECT)
AREAS FOR MERGER PROJECT NO. 2)

1. JOINT COUNCIL RESOLUTION NO. 98-317 - AND AGENCY RESO-)
LUTION NO. 1498 - CERTIFYING PROGRAM ENVIRONMENTAL IMPACT)
REPORT NO. 101265 WITH THE FOLLOWING ATTACHMENTS:)
a. STATEMENT AND FINDINGS OF POTENTIAL ADVERSE ENVIRON-)
MENTAL EFFECTS AND MITIGATION MEASURES TO LESSEN OR AVOID)
THOSE EFFECTS)
b. STATEMENT OF UNAVOIDABLE ADVERSE EFFECTS)
c. FINDINGS ON PROJECT ALTERNATIVES)
d. STATEMENT OF OVERRIDING CONSIDERATIONS THAT THE PROJECT)
BENEFITS OUTWEIGH THE UNAVOIDABLE ADVERSE EFFECTS)
c. MITIGATION MONITORING CHECKLIST)

2. BILLS FOR INTRODUCTION AND ADOPTION (COUNCIL ACTION):
a. BILL NO. B-94 - ORDINANCE NO. 98-8 - APPROVING THE 1998 AMEND-)
MENT TO THE SOUTHWEST FRESNO GENERAL NEIGHBORHOOD RENEWAL)
AREA PROJECT URBAN RENEWAL PLAN)

b. BILL NO. B-95 - ORDINANCE NO. 98-82 - APPROVING THE 1998 AMEND-)
MENT TO THE SOUTHWEST FRESNO GENERAL NEIGHBORHOOD RENEWAL)
AREA PROJECT URBAN RENEWAL PLAN, DELETING THE COUNTY AREA)
c. BILL NO. B-96 - ORDINANCE NO. 98-83 - APPROVING THE 1998 AMEND-)
MENT TO THE FRUIT/CHURCH PROJECT REDEVELOPMENT PLAN)

Chair Ronquillo announced the time had arrived to consider the issue and opened the hearing.

Redevelopment Administrator reviewed the staff report as submitted, advised a letter dated October 13th was received after publication of the EIR and staff and the consultant concluded none of the comments raised any additional environmental issues that were not already addressed in the draft EIR, and clarified why two ordinance bills relative to 40 acres in the plan belonging to the county were recommended for adoption. Councilmember Perea arrived at 7:05 p.m.

Speaking to the issue were: Mary Brown, West Fresno Neighborhood Association, support for the project, who submitted a petition containing 240+ signatures of area residents in support, on file in the office of the City Clerk; and Harlan Kelly, Co-Chair, Edison Southwest Fresno CAC, support. Councilmember Bredefeld arrived at 7:11 p.m.

Continuing were: Anne Gaston, 39 E. Strother, CAC Advisory Council, in support; Barbara Hunt, 944 “F” Street, support (**6 - 0**); Myser Keels, Southwest Edison CAC and Coalition for Cooperative Development Chair, support; Ronnie McNair, 1829 S. Fairway, United Black Men/Black Political Council, support; Brunette Harris, 909 E. Chester, opposed; Margie Haymon, 909 E. Chester, opposed; and Elder Harris, 620 W. Hawes, support.

Upon call, no one else wished to be heard and Chair Ronquillo closed the hearing.

Chair Ronquillo commended the Committee for all their efforts, emphasized Council has diligently made every effort to retain raised funds in the southwest area and explained, and urged support to move forward.

On motion of Chair Ronquillo, seconded by Councilmember Quintero, duly carried, RESOLVED, the above entitled Council Resolution No. 98-317 and Agency Resolution No. 1498 certifying Final Environmental Impact Report No. 10125 with attachments hereby adopted; the above entitled Bill Nos. B-94, B-95 and B-96 adopted as Ordinance Nos. 98-81, 98-82 and 98-83; and staff directed to proceed with the identification of specific residential neighborhoods for the application of tailored housing programs and the annual preparation of housing improvement programs as recommended by the Housing and Community Development Commission, by the following vote:

Ayes	:	Bredefeld, Briggs, Quintero, Steitz, Ronquillo
Noes	:	None
Absent	:	Mathys

ADJOURNMENT

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There being no further business to bring before the joint bodies, the hour of 7:35 p.m. having arrived and hearing no objections, Chair Ronquillo declared the meeting adjourned.

DATED this _____ day of _____, 1998.

Daniel Ronquillo, Chair

ATTEST: _____
Yolanda Salazar, Assistant City Clerk